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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,442	07/28/2000	Christian Ruque	Q60202	3334

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EXAMINER

DINH, TUAN T

ART UNIT

PAPER NUMBER

2827

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,442

Applicant(s)

RUQUE, CHRISTIAN

Examiner

Tuan T Dinh

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/29/02 have been fully considered but they are not persuasive.

Applicant argues:

(a) Examiner appears “why the device of claim 1, comprised of the faces, would be electrically conductive” that rejects under 112, second paragraph.

(b) Aziz is silent “as to electromagnetically protecting a drawer equipped with electronic cards”.

(d) Aziz fails to disclose that “one the faces of the device is formed by the front face of a drawer”

(e) Aziz does not disclose “six faces of a device”

(f) Anderson fails to teach “these damping device provide an electrical connection between the front face of the drawer and the drawer receiving structure”

(h) Aziz in view of Anderson, do not teach “the resilient electrical connection means is formed by electrical conductive spring”

(g) Aziz in view of Anderson, do not teach, “an intermediate separated between two drawers”

(i) Aziz in view of Porter, do not teach “the sum of the areas of the openings in each of the top and the bottom faces is approximately equal to the area through which air can be pass vertically in said drawer”

Examiner disagrees.

Regarding argument (a), based on page 6, lines 30-37, and page 9, lines 2-4 of applicant's specification, the mode of fixing the front face to the beam of the drawer and to the side plates **makes it possible** to create electrical continuity between firstly said front face,....electromagnetic compatibility needs. The specification is not clear to define six faces being electrically conductive; therefore, the second paragraph of 35 U.S.C. 112 is still proper to reject claim 1.

Response to argument (b), applicant recites "a device for electromagnetically protecting a drawer...", for electromagnetically protecting..." such a functional language, and not a positive claim.

Response to argument (d), Aziz clearly discloses a drawer having a front face as shown in figure 2, said front face has an entrance to insert electronic cards into the drawer.

Response to argument (e), Aziz shows in figure 2 having a housing comprising six faces such as a top, bottom, two sidewalls, and a front face constructing as a drawer.

Response to argument (f), based of Aziz in view of Anderson, Anderson teaches a damping device (405; 600) made of metals (column 4, line 33) that provide an electrical connection between a drawer and drawer receiving structure.

Response to argument (h), Anderson shows a damping device (405; 600) having a top portion deflectable (or resilient) as a spring (see figures 4-5).

Response to argument (g), Anderson teaches a divider as an intermediate functioning to separate between two inserted modules. The divider or the intermediate as a function providing separating some electronic devices for purpose of prevent and against an EMI from the electronic device when operates.

Response to argument (i), Porter shows "the sum of the areas of the openings (34) in each of the top and the bottom faces (27, 28-figure 2) is approximately equal to the area through which air can be pass vertically in said drawer"

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 6-7, it is unclear. What does applicant meant of "said faces being electrically conductive?" Does applicant meant of "said faces formed to be electrical conductive?" since "said faces" are defined walls of the device and formed a housing as a drawer inserted into the device. What does applicant would be constructed the hosing to be electrical conductive?, and how users could be used when they do assembly.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Aziz et al. (U. S. Patent 5,949,645).

As best understood to claim 1, Aziz discloses a device (10-figure 1, column 4, line 58) as shown in figures 1-21 for electromagnetic protecting a drawer (20, column 4, line 66) equipped with electronic cards (82, 84, column 7, line 41), said drawer (20) for being inserted into a drawer receiving structure (see figure 2) through an opening provided in a front face (see figure 2) of said drawer receiving, said device comprising:

six faces (see figures 2 and 8) distributed around the cards (82, 84), wherein one of said faces of said device is formed by the front face (see figure 2) of said drawer, while the five other faces of the device are formed by side faces (14), a top (18) and a bottom faces (16, column 4, lines 64-65) and a back face (not shown) of said drawer receiving structure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. (U. S. Patent 5,949,645) in view of Anderson et al (U. S. Patent 6,209,842).

As to claim 2, Aziz does not teach resilient electrical means for providing electrical connection between said front face of said drawer and said drawer receiving-structure.

Anderson discloses a device as shown in figures 4-5 comprising resilient electrical connection means (405, column 3, line 65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use resilient electrical means as taught by Anderson to employ the device of Aziz in order to reduce vibration transmitted when a module inserted into a chassis of a device.

As to claim 3, Anderson discloses a device as shown in figures 4-5 wherein said resilient means (405) are formed by electrically-conductive springs disposed on the edges of the opening provided in the front face of the structure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use resilient means are formed by electrically-conductive springs

as taught by Anderson to employ the device of Aziz in order to provide an easy snap insertion of the module inserted into the device.

Regarding claim 9, Aziz discloses all of the limitations of the claimed invention, except for an intermediate plate disposed between two adjacent drawers.

Anderson shows an intermediate plate disclosed in figure 1 to separate between two modules.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an intermediate plate as taught by Anderson to employ the device of Aziz in order to protect against an EMI from the modules when inserted into the device.

8. Claims 4-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz in view of Porter (U. S. Patent 5,808,866).

As to claims 4-6, and 11, Aziz discloses a device as shown in figures 8-9 wherein said drawer-receiving structure is provided with connectors (190, 186-figure 8) suitable for cooperating with connectors (178, 190-figure 9) secured to the cards. Aziz does not show said back face is a grating with openings for passing cables.

Porter discloses a device as shown in figures 2 and 5 wherein a back face (24), of a drawer-receiving structure is provided with connectors (30) suitable for cooperating with connectors secured to the cards (31). The back face is a grating provided with openings for passing cables (42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aziz provide the back face having openings

for passing cables as taught by Porter in order to make an electrical communication connection to another source.

As to claim 7, Porter discloses a device as shown in figure 2 wherein the sum of the areas of the openings in each of the top and bottom faces (27, 28) is approximately equal to the area through which air can pass vertically in the drawer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aziz to provide the areas of the openings in each of the top and bottom faces is approximately equal to the area through which air can pass vertically in the drawer as taught by Porter in order to permit a large volumetric flow of air sufficiency to cool the device.

As to claim 8, Aziz and Porter do not teach the maximum dimension of the openings is considerably smaller than the minimum wavelength of the electromagnetic waves from which the drawer is to be isolated. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a size of the openings and compare with wavelength of the electromagnetic waves. Since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch. 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

9. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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Art Unit: 2827

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August 20, 2002



KAMAND CUNEO
PRIMARY EXAMINER